

**REMARKS**

Reconsideration is requested.

The claims have been amended, without prejudice. Claim 28 has been revised to include the details of claims 1 and 26. Claims 1-25 have been revised to define drug conjugates of the disclosure and to be directly or indirectly dependent from claim 28. Claims 26, 33 and 37-39 have been canceled, without prejudice. Claims 1-25, 27-32, 34-36, 40 and 41 are pending. Claims 40 and 41 find support in the specification. No new matter has been added.

The telephonic interview with the Examiner on October 30, 2008 is noted, with appreciation. The undersigned discussed the species election requirement with the Examiner during the teleconference and the Examiner's requirement for an election of a single species within the context of the election of the subject matter of the Examiner's Group 2.

The applicants elect the subject matter of the Examiner's Group 2.

Rejoinder and allowance of any claim defining a method of making and/or using a product defined by an allowable claim, at an appropriate time, are requested.

The applicants further elect, for purposes of initial search, a conjugate of the claims wherein the compound has formula (I) of claim 8, wherein  $R^2$ ,  $R^3$  and  $R^5$  are hydrogen,  $R^1$  is methyl, and  $R^4$  is  $\text{CH}_2\text{COOH}$ , and X is a hydroxyl group; and the drug is Lorazepam. Claims 1-21, 23-25, 27-32, 40 and 41 are believed to read on the elected species.

An early and favorable Action on the merits is requested.

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Atty. Ref.: 39-326  
Amendment  
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Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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